

MINUTES

BOARD OF MANUFACTURED HOUSING MEETING

Friday, September 23, 2016

1:00 PM

Legislative Office Building, Room 307
33 North State Street, Concord, NH 03301

The following members were present at start of meeting: Vice-Chair Peter Graves, Secretary Robert Hunt, Esquire, Lois Parris, Rep. Franklin Sterling, and Kenneth Dame.

Arriving after the meeting started were Chair Mark Tay, Esquire, Judy Williams, and Glenn Ritter.

Others in attendance included: Rick Wisler - clerk of the Board of Manufactured Housing. Also in attendance were: Effie Velardo, James Sullivan, Keith Henderson, Jim Holden, Rose Holden, Jay VanBilliard, Daved Estes, Judy Estes, Simone Henderson, Anne Currau, Peggy Martinez, Richard Lambert, Ari Pollack, Mary-Jane Anthony, Lee and Eileen Latham, Chris Clasby (NH Community Loan Fund), Deena MaeJemery, John Kelley, Ian West (NH Community Loan Fund), Joseph Dupont, Lois Bennett, Michael Bennett, Kelly Dixon, and Jerrilynn King.

The meeting was called to order by Vice-Chair Graves at 1:05 p.m.

It was noted that Chair Tay was not present as he recused himself from the threshold reviews of 17-09, 17-10 and the hearing for 17-01 due to prior business relationships with some parties for each of those cases.

Vice-Chair Graves briefly explained to audience members the process for a threshold review, and then noted that some of the agenda items would be taken out of order.

Docket 17-09 Threshold Review: Following discussion of the complaint issues and group consensus the Board determined the safety issue regarding the removal of trees and drainage problems with a ditch were not within the board's jurisdiction but rather within RSA 205-A:15 and should be handled accordingly with the superior court.

Board member Williams arrived and joined the meeting.

The board then continued discussion of the remaining issues. Following board comments, board member Dame moved that the trees and ditch issues were not within the board's jurisdiction and should be dismissed, but the alleged issues involving RSA 205-A:2, X(a) and (b), and RSA 205-A-2, XI were within their jurisdiction and should be scheduled for a hearing at their next meeting. Board member Sterling seconded the motion, the board unanimously approved.

Docket 17-10 Threshold Review: Following board discussion, board member Williams moved that the issue involving RSA 205-A:2, II was within the board's jurisdiction and should be scheduled for a hearing at their next meeting. Board member Hunt seconded, the board unanimously approved.

Complaint Hearing: Docket 17-01 Effie Velardo v. Maple Leaf MHP.

The complainant, Effie Velardo, was present and not represented by counsel but was joined by her witness Jay Van Billiard. Kelly Dixon, park manager, was present and represented Maple Leaf Park.

Vice-Chair Graves administered the oath to all parties and explained the hearing process. Board member Parris noted she had a brief discussion with the complainant prior to the complaint filing but had only advised Ms. Velardo to file a complaint with the board. As no cause was determined to recuse board member Parris, the matter proceeded to hearing. Ms. Velardo presented testimony regarding her

complaint alleging the park violated RSA 205-A:2, VIII(b) by not allowing a guest's car to be parked in the tenant's driveway because the number of cars exceeded two, and RSA 205-A:2, X by failing to provide the tenant with name, address or phone number to contact in the event of an emergency.

A number of documents contained within exhibits were presented to the board by Ms. Velardo (complainant exhibit 1), witness Van Billiard (complainant exhibit 2) and by Ms. Jemery (respondent exhibit 1).

During the testimony, Board member Ritter arrived and joined the meeting.

Following testimonies, questions of the witness, cross examination from both sides, and questions from Board members, Vice-Chair Graves closed the hearing and opened Board deliberation. After thoroughly discussing all the issues, Board member Parris moved that the park rule regarding the number of vehicles allowed in a driveway is unreasonable due to the large capacity of many tenant driveways. Motion was seconded, Board unanimously approved. Board member Ritter abstained.

Board Chair Mark Tay arrived and presided.

Approval of Minutes: The August 19, 2016 minutes were reviewed. Board member Sterling moved, Board member Dame seconded, voted unanimously to accept the minutes of the August 19, 2016 meeting.

Complaint Hearing: 16-04 Henderson v. Pine Gardens Manufactured Homes.

The complainant, Simone Henderson, was present and represented by David Estes. Joseph Dupont was present for Pine Gardens and was represented by Attorney Ari Pollack.

Board members Hunt and Parris recused themselves from the hearing and left the table.

Chair Tay administered the oath to all parties and explained the hearing process. The matter proceeded to hearing. Mr. Estes presented testimony regarding the complaint alleging the park violated RSA 205:A-2, IX by charging complainant for repairs to an underground irrigation water system.

A number of documents contained within exhibits were presented to the board by Mr. Estes (complainant exhibit 1), and Attorney Pollack (respondent exhibit 1). Attorney Pollack also presented the broken faucet for the board to review. Following testimonies, questions of the witness, cross examination from both sides, and questions from Board members, Chair Tay closed the hearing and opened Board deliberation. After thoroughly discussing all the issues, the Board reached consensus that the complainant did not sustain her burden of proof and unanimously voted in favor of the respondent. Attorney Pollack submitted a Request for Findings of Fact and Rulings of Law to the board, and requested the Board provide language in its decision regarding the complainant's responsibility for repairs. Chair Tay will write the decision and will address the request.

Following a short recess the Board continued the meeting. Board members Hunt and Parris re-joined the Board at the table.

Complaint Hearing: 17-02 through 17-08 Jerrilynn King, et al, v. Woodstock Co-Op.

Chair Tay informed the Board of letters received that day from the complainants for 17-03, 17-04 and 17-06 requesting the withdrawal of their complaints for various reasons. The requests to withdraw were accepted.

The remaining complainants were present and not represented by counsel. Richard Lambert was present for the Woodstock Co-Op and not represented by counsel.

Chair Tay administered the oath to all parties and explained the hearing process. The matter proceeded to hearing for dockets 17-02, 17-05, 17-07 and 17-08. Complainants King and Anthony presented testimony regarding the complaint alleging the park violated RSA:205-A:2, IX by requiring tenants pay for future repairs to septic system due to excessive or improper use. The complainants presented the Board with a number of documents contained within complainant exhibit 1.

Following testimonies and questions from Board members, there was Board consensus not to proceed as the park had not, as of that time, charged the tenants for repairs. The Board voted unanimously to accept the complainants' request for a Board decision to dismiss without prejudice.

Next Meeting: The Board scheduled the next meeting for Friday October 21, 2016, 1:00 at the LOB.

Adjournment: The Board voted to adjourn at 5:20.